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United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
VICTOR HERNANDEZ PENA,  
  
Defendant.

CASE NO. 1:21-CR-00090-JLT

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for jury trial on July 30, 2024.
2. By this stipulation, the parties now move to vacate the trial date for the above-mentioned defendant for a change of plea on November 4, 2024.
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The parties anticipate entering into and filing a plea agreement in this matter. For that reason, the parties agree that a date of November 4, 2024, is warranted for a change of plea. Prior to filing this stipulation, the parties conferred with the courtroom deputy for the assigned district court judge, who indicated this date is available for a change of plea.
  - b) The parties stipulate that the period of time until November 4, 2024, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv) because it

1 results from a continuance granted by the Court at defendants' request on the basis of the Court's  
2 finding that the ends of justice served by taking such action outweigh the best interest of the  
3 public and the defendant in a speedy trial.

4 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
5 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
6 must commence.

7 IT IS SO STIPULATED.

8  
9 Dated: July 11, 2024

PHILLIP A. TALBERT  
United States Attorney

10  
11 /s/ STEPHANIE M. STOKMAN  
STEPHANIE M. STOKMAN  
Assistant United States Attorney

12  
13  
14 Dated: July 11, 2024

/s/ NICHOLAS REYES

NICHOLAS REYES  
Counsel for Defendant  
VICTOR HERNANDEZ PENA

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16  
17  
18  
19 **FINDINGS AND ORDER**

20 IT IS SO FOUND. Counsel SHALL be prepared to set a firm trial date at the next hearing if the  
21 matter is not resolved by that time.

22 IT IS SO ORDERED.

23  
24 Dated: **July 16, 2024**

  
UNITED STATES DISTRICT JUDGE